

ORIGINAL

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Attorneys for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

BRENDA DUGGER,

Case No.

'05-547 AA

PLAINTIFF,

NOTICE OF REMOVAL

v.

Multnomah County Circuit Court

Case No. 0503-03118

OREGON RESTAURANT SERVICES,
INC., an Oregon corporation, d/b/a
DOTTY'S,

DEFENDANT.

To the Judges of the United States District Court for the District of Oregon;

Brenda Dugger, Plaintiff, and Richard C. Busse, her attorney.

1. On or about March 25, 2005, an action was commenced against defendant in the Circuit Court of the State of Oregon for the County of Multnomah, bearing the caption shown above. A copy of the Summons and Complaint is annexed hereto as Exhibit A.

1 NOTICE OF REMOVAL

NEWCOMB, SABIN, SCHWARTZ & LANDSVERK, LLP
111 S.W. Fifth Avenue, Suite 4040
Portland, Oregon 97204
(503) 228-8446

#3004

These papers constitute all of the pleadings to date in this action. There have been no further proceedings in this action.

2. On March 29, 2005, the Summons and Complaint were served upon the office of defendant's registered agent. This Notice of Removal is filed and served within 30 days after defendant's receipt of the Summons and Complaint.

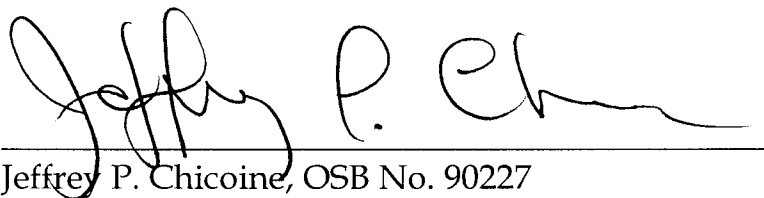
3. The United States District Court for the District of Oregon has original jurisdiction of all actions arising under the laws of the United States 28 U.S.C. § 1331. The above action involves federal questions of interpretation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. Accordingly, defendant is entitled to remove this action to this Court pursuant to 28 U.S.C. §1441.

WHEREFORE, defendant gives notice that the above action now pending against it in the Circuit Court of the State of Oregon for the County of Multnomah be removed to this Court.

Dated this 20th day of April, 2005.

Respectfully submitted,

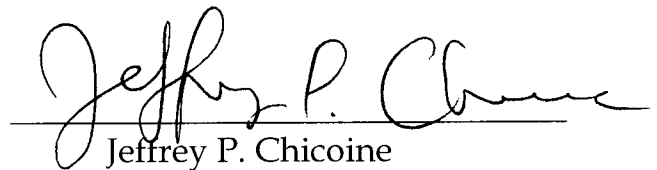
NEWCOMB, SABIN, SCHWARTZ & LANDSVERK, LLP

A handwritten signature in black ink, appearing to read "Jeffrey P. Chicoine", is written over a horizontal line.

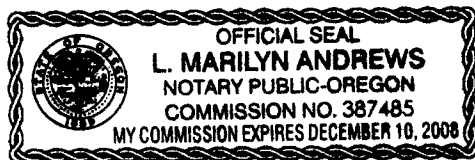
Jeffrey P. Chicoine, OSB No. 90227
Of Attorneys for Defendant

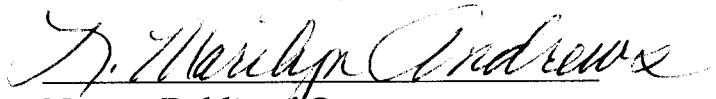
STATE OF OREGON)
) ss.
 COUNT OF MULTNOMAH)

Jeffrey P. Chicoine, being first duly sworn, deposes and says that he is one of the authorized attorneys for Oregon Restaurant Services, Inc., defendant in the above-entitled cause, and that the facts stated in the foregoing Notice of Removal are true and correct to his best knowledge, information and belief, and that the documents attached to said Notice as Exhibit A are true and correct copies of all of the pleadings in this action.


 Jeffrey P. Chicoine

SUBSCRIBED AND SWORN TO before me this 20th day of April, 2005.




 Notary Public of Oregon
 My Commission Expires: 12/10/08

In the Circuit Court of the State of Oregon

For the County of Multnomah

BRENDA DUGGER,

Plaintiff(s),

vs.

OREGON RESTUARANT SERVICES, INC.,
an Oregon corporation, d/b/a DOTTY'S

Defendant(s).

Case No. 0503-03118

SUMMONS

To JACK B. SCHWARTZ
REGISTERED AGENT
111 S.W. Fifth Avenue
Suite 4040
Portland, OR 97204

Defendant

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

SIGNATURE OF ATTORNEY / AUTHOR FOR PLAINTIFF

RICHARD C. BUSSE, OSB #74050

ATTORNEY'S / AUTHOR'S NAME (TYPED OR PRINTED)

BAR NO. (IF ANY)

621 SW Morrison St, Suite 521

ADDRESS

Portland, OR 97205 (503) 248-0504

CITY

STATE

ZIP

PHONE

TRIAL ATTORNEY IF OTHER THAN ABOVE (TYPED OR PRINTED)

BAR NO.

STATE OF OREGON, County of Multnomah) ss.

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.

ATTORNEY OF RECORD FOR PLAINTIFF(S)

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.

ATTORNEY(S) FOR PLAINTIFF(S)

BUSSE & HUNT
ATTORNEYS FOR PLAINTIFF
521 American Bank Building
621 S.W. Morrison Street
Portland, Oregon 97205
Phone (503) 248-0504

EXHIBIT A PAGE 1 of 3

TRUE COPY

MAR 25 2005

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

BRENDA DUGGER,

Plaintiff,

v.

OREGON RESTAURANT SERVICES,
INC., an Oregon corporation, d/b/a
DOTTY'S,

Defendant.

Case No. **0503-03118**

COMPLAINT

(Wrongful Constructive Discharge;
Sex Discrimination; Wage Claim)

CLAIMS NOT SUBJECT TO
MANDATORY ARBITRATION

Plaintiff alleges:

FIRST CLAIM FOR RELIEF

(Wrongful Constructive Discharge)

1.

Plaintiff is a female resident of the State of Oregon.

2.

Defendant is an Oregon corporation doing business as Dotty's. Defendant at all material times acted through its agents and employees, who at all material times acted within the course and scope of their agency and employment for Defendant.

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1 - COMPLAINT

BUSSE & HUNT
Attorneys at Law
521 AMERICAN BANK BUILDING
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TELEPHONE: (503) 248-0504

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3.

Plaintiff was employed by Defendant from April 2004 until on or about January 1, 2005 when she resigned.

4.

Prior to January 1, 2005 Plaintiff refused to make false and defamatory charges of misappropriation of company property against a coworker.

5.

Prior to January 1, 2005 Plaintiff was subjected to a hostile sexual working environment, which she resisted.

6.

Plaintiff resigned on January 1, 2005 because of the hostile work environment alleged above in paragraphs 4 and 5, which environment was so intolerable a reasonable person in her position would resign. Defendant maintained that environment with the intent that Plaintiff resign, or with knowledge that if its actions continued it would be substantially certain she would resign. As a result thereof, Plaintiff did resign on January 1, 2005.

7.

As a result of said acts Plaintiff suffered economic loss in a sum to be proven at trial, which sum is alleged to be \$100,000.

8.

As a further result of said acts Plaintiff has suffered emotional distress in a sum to be proven at trial, which sum is alleged to be \$250,000.

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9.

Plaintiff reserves the right to amend this complaint to allege punitive damages due to the wanton and wilful nature of Defendant's acts.

SECOND CLAIM FOR RELIEF

(Sex Discrimination - ORS chapter 659A)

10.

Plaintiff realleges paragraphs 1 through 7.

11.

Plaintiff has exhausted administrative remedies.

12.

Plaintiff is entitled to an award of reasonable attorneys' and expert witness fees pursuant to ORS 659A.885 and 20.107, respectively.

THIRD CLAIM FOR RELIEF

(Sex Discrimination - Title VII)

13.

Plaintiff realleges paragraphs 1 through 9, and 11.

14.

Plaintiff is entitled to reasonable attorneys and expert witness fees pursuant to 42

U.S.C. § 2000e, *et seq.*

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PORTLAND, OREGON 97205
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FOURTH CLAIM FOR RELIEF

(Wage Claim)

15.

Plaintiff realleges paragraphs 1 through 6.

16.

During her employment Plaintiff earned but Defendant refused to pay to Plaintiff a bonus in the approximate sum of \$2,000, and there remains due, owing and unpaid to Plaintiff that sum, plus interest thereon at the legal rate of 9% per annum, together with a statutory penalty for its wilful withholding equal to one month's total compensation, or \$2,833.33, pursuant to ORS 652.150.


17.

Plaintiff is entitled to an award of reasonable attorneys' fees pursuant to ORS 652.200.

WHEREFORE, Plaintiff prays for judgment as alleged in each claim stated above.

DATED this 25th day of March, 2005.

BUSSE & HUNT


RICHARD C. BUSSE, OSB #74050
Telephone: (503) 248-0504
Facsimile: (503) 248-2131
rbusse@busseandhunt.com
Of Attorneys for Plaintiff Brenda Dugger

TRIAL ATTORNEY:
RICHARD C. BUSSE, OSB #74050

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BUSSE & HUNT
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PORTLAND, OREGON 97205
TELEPHONE: (503) 248-0504

EXHIBIT A PAGE 5 of 5

CERTIFICATE OF SERVICE

I hereby certify that on the date specified below, I served the Notice of Removal and Civil Cover Sheet on the following named person(s):


Richard C. Busse
Busse & Hunt
621 SW Morrison Street, Suite 521
Portland, OR 97205

by causing a true copy of the above-listed document to be served in the following manner:

- ☐ Mailing with postage prepaid in a sealed envelope, addressed to person(s) at the last-known address(es) indicated above;
- ☒ Hand delivery in a sealed envelope, addressed to person(s) at the last-known address(es) indicated above;
- ☐ Facsimile transmission to the person at the telephone number indicated above;
- ☐ Overnight delivery in a sealed envelope, addressed to person(s) at the last-known address(es) indicated above.

DATED: April 21, 2005

NEWCOMB, SABIN, SCHWARTZ & LANDSVERK, LLP


Jeffrey F. Chicoline, OSB #90227
Of Attorneys for Defendant